

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Reggie Mason  
dba Lodi Chrome  
316 North Main Street  
Lodi, California 95240-0604

ID No: CAR 000 143 776

Respondent.

Docket HWCA 20040427

ENFORCEMENT ORDER

Health and Safety Code  
Section 25187

INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Reggie Mason dba Lodi Chrome (Respondent).

1.2. Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following site: 316 North Main Street, Lodi, California (Site).

1.3. Inspection. The Department inspected the Site on December 22, 2003.

1.4. Authorization Status. The Respondent generates the following hazardous waste: spent corrosive nickel-stripping solution, spent rinse waters containing nickel, copper, and hexavalent chromium, spent corrosive rinse waters, spent plating solutions and rinse waters containing cyanide, spilled electroplating process solutions containing various dissolved metals, sludge waste from tanks used to clean metal parts prior to electroplating, and fine powder from chrome polishing operations.

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1.5. Jurisdiction. Health and Safety Code, section 25187, subdivision (a), authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

#### DETERMINATION OF VIOLATIONS

2.1. The Department has determined that:

2.1.1. On or about December 22, 2003, Respondent violated California Code of Regulations, title 22, section 66262.11, in that Respondent failed to make a waste determination for polishing dust generated in chrome polishing operations. Respondent had been disposing of waste polishing dust by placing it in a trash bin along with regular facility garbage destined for disposal at the County landfill. Subsequent waste analysis by a certified laboratory revealed that the polishing dust is hazardous due to the concentration of chrome, nickel, lead, copper, and zinc particulate matter in the waste.

2.1.2. On or about December 22, 2003, Respondent violated Health and Safety Code section 25189.2, subdivision (c), in that Respondent caused the transfer of a hazardous polishing dust waste to a county landfill that does not hold a valid hazardous waste disposal permit.

2.1.3. On or about December 22, 2003, Respondent violated Health and Safety Code section 25160, subdivision (b)(1), in that Respondent failed to complete a hazardous waste manifest for hazardous waste polishing dust sent to the county landfill.

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2.1.4. On or about December 22, 2003, Respondent violated California Code of Regulations, title 22, section 66265.31, in that Respondent failed to remove significant quantities of spilled hazardous waste fine powder from chrome polishing from the floor of the facility.

2.1.5. On or about December 22, 2003, Respondent violated California Code of Regulations, title 22, section 66265.31, in that Respondent failed to remove significant quantities of spilled hazardous waste plating bath chemicals from the floor of the facility. The concrete floor of the facility is not coated with an impermeable barrier to prevent migration of the spilled chemicals into the underlying soil, and the floor had visible signs of corrosion and chemical staining.

#### SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1. On February 16, 2004 Respondent submitted documentation to the Department showing that the violations described above have been adequately corrected or addressed. Therefore, no further actions are required on the part of the Respondent with respect to these violations.

3.2. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

### OTHER PROVISIONS

4.1. Additional Enforcement Actions. By issuance of this Order, the Department does not waive any right to take further enforcement actions within its jurisdiction involving either Respondent(s) or the Site.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties, and/or damages as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

4.4. Privileges. Nothing in this Consent Agreement shall be construed to require any party to waive any privilege, including without limitation, attorney-client and attorney work-product. However, the assertion of any privilege shall not relieve any party of its obligations under this Consent Order.

4.5. Time Periods. "Days" for the purpose of this Order means calendar days.

4.6. Compliance with Waste Discharge Requirements. Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

### PENALTY

5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondent's penalty at \$123,000.

5.2. Payment is due within 30 days from the effective date of the Order.

5.3. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case. Respondent shall deliver the penalty payment to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Mr. Charles A. McLaughlin, Chief  
State Oversight and Enforcement Branch  
Statewide Compliance Division  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826-3200

Mr. James J. Grace  
Staff Counsel  
Office of Legal Counsel and Investigations  
Department of Toxic Substances Control  
1001 I Street, 23<sup>rd</sup> Floor  
Sacramento, California 95812-0806

#### RIGHT TO A HEARING

6. Respondent may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

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EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within the twenty-day period.

Date of Issuance: September 7, 2005

Department of Toxic Substances Control

Original Signed by Charles A. McLaughlin

Charles A. McLaughlin, Chief  
State Oversight and Enforcement Branch